IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA v. CHONGOK ELLSWORTH, a/k/a "Domino" (05)	NO. 3:17-CR-124-M

FACTUAL RESUME

In support of Chongok Ellsworth's plea of guilty to the offense in Count One of the superseding indictment, Ellsworth, the defendant, Heath Hyde, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count One of the superseding indictment, charging a violation of 18 U.S.C. § 371, that is, conspiracy to violate the Travel Act, the government must prove each of the following elements beyond a reasonable doubt:[1]

First. That the defendant and at least one other person made an agreement to commit the crime of using interstate facilities to promote, manage, establish, carry on, and facilitate unlawful activity, as charged in the superseding indictment;

Second. That the defendant knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose; and

Third. That one of the conspirators during the existence of the conspiracy knowingly committed at least one of the overt acts described in the

[1] Fifth Circuit Pattern Jury Instruction 2.15A (5th Cir. 2015).

superseding indictment in order to accomplish some object or purpose of the conspiracy.

The elements of using interstate facilities to promote, manage, establish, carry on, and facilitate unlawful activity, a violation of 18 U.S.C. § 1952(a)(3), are as follows:[2]

First. That the defendant traveled in interstate or foreign commerce or that he used the mail or any facility in interstate or foreign commerce;

Second. That the defendant did so with the specific intent to promote, manage, establish, or carry on unlawful activity; and

Third. That subsequent to the act of travel, use of the mail, or use of any facility in interstate or foreign commerce, the defendant did knowingly and willfully promote, manage, establish, or carry on such unlawful activity.

"Unlawful activity" means any business enterprise involving prostitution offenses in violation of the laws of the State of Texas.[3]

STIPULATED FACTS

1. Chongok Ellsworth admits that beginning at least by in or about January 2015, and continuing through in or about March 2017, in the Dallas Division of the Northern District of Texas, and elsewhere, Ellsworth, along with her codefendants (some of whom were involved in the conspiracy prior to Ellsworth joining the conspiracy), did knowingly and willfully conspire and agree together, and with others, to commit the following offense against the United States: To use and cause to be used facilities in interstate commerce with the intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment, and carrying on of an unlawful activity, that

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[2] *See* Fifth Circuit Pattern Jury Instruction 2.74 (5th Cir. 2015); 18 U.S.C. § 1952(a)(3).
[3] *See* 18 U.S.C. § 1952(b).

is, a business enterprise involving prostitution offenses in violation of the laws of the State of Texas, and thereafter performed and attempted to perform an act to promote, manage, establish, and carry on, and to facilitate the promotion, management, establishment and carrying on of such unlawful activity, in violation of 18 U.S.C. § 1952(a)(3).

2. It was part of the conspiracy that, starting on a date unknown, but at least by in or about January 2015, Ellsworth managed, facilitated the promotion of, carried on, and/or operated Sakura as a business enterprise engaged in prostitution. During the conspiracy, Ellsworth and her coconspirators engaged in a continuous course of criminal activity as they managed, promoted, established, carried on, and facilitated a business known as "Sakura," located at 7141 Envoy Court, Dallas, Texas 75247, which was a front for business enterprises involved in prostitution offenses in violation of the laws of the State of Texas.

3. The State of Texas criminalizes the following as prostitution offenses:

a. Texas Penal Code § 43.02 criminalizes a person knowingly, in return for receipt of a fee, offering to engage, agreeing to engage, or engaging in sexual conduct, or soliciting another in a public place to engage with the actor in sexual conduct for hire.

b. Texas Penal Code § 43.03 criminalizes a person, other than someone acting as a prostitute receiving compensation for personally rendered prostitution services, knowingly receiving money or other property pursuant to an agreement to participate in the proceeds of prostitution, or soliciting another to engage in sexual conduct with another person for compensation.

c. Texas Penal Code § 43.04 criminalizes a person knowingly owning, investing in, financing, controlling, supervising, or managing a prostitution enterprise that uses two or more prostitutes.

4. It was part of the conspiracy that Ellsworth and other members of the conspiracy profited from women providing prostitution services at Sakura.

5. It was part of the conspiracy that Ellsworth used and caused to be used several facilities in interstate commerce in furtherance of the conspiracy, including the Internet, ATMs that facilitated transactions on a network that caused interstate wire transmissions, phone numbers from accounts provided by a national phone company, including Ellsworth's phone, which has a Georgia area code, and email accounts.

6. In furtherance of the conspiracy, on or about August 19, 2014, a member of the conspiracy caused to be posted an advertisement for Sakura on the Internet, in the "escort" section of Backpage.com, that stated something along the lines of: "If you're looking for a top quality Asian relaxation, you found it!!!"

7. On or about August 19, 2014, C.M., a member of the conspiracy, engaged in acts at Sakura that violated the laws of the State of Texas prohibiting prostitution. Specifically, C.M. offered to have sex with an undercover police officer in exchange for $140.

8. In furtherance of the conspiracy, on or about November 10, 2014, members of the conspiracy entered into a lease agreement to allow Sakura to operate out of 7141 Envoy Court, Suite 100, in Dallas, Texas.

9. In furtherance of the conspiracy, on or about January 4, 2015, Ellsworth and other coconspirators signed a document to allow Sakura to lease a back room at 7141 Envoy Court in Dallas, Texas for the purpose of furthering the prostitution business enterprise.

10. On or about August 28, 2015, G.F., a member of the conspiracy, engaged in acts at Sakura that violated the laws of the State of Texas prohibiting prostitution. Specifically, G.F. agreed to have sex with an undercover police officer in exchange for money.

11. In furtherance of the conspiracy, on or about June 19, 2015, a member of the conspiracy caused an advertisement for Sakura to be posted on the Internet. The advertisement includes photographs of several women in swimsuits and/or lingerie, states "let us make you stress free" with a winky emoticon, and includes phone number 214-905-9000.

12. During the time Ellsworth participated in the conspiracy, an ATM machine that ran on an interstate network operated from Sakura to further the prostitution business enterprise, and from which Ellsworth profited. There was a policy at Sakura that if a customer had at least $100, the women would have to provide sex upon request. If customers did not have enough money, there was an ATM at the end of the main hallway inside Sakura where they could withdraw cash.

13. In furtherance of the conspiracy, in or about June or July 2016, the exact date being unknown, Ellsworth used her phone to recruit a woman to travel to Dallas, Texas, to work as a prostitute at Sakura.

14. On or about July 7, 2016, E.R., a member of the conspiracy, engaged in acts at Sakura that violated the criminal laws of the State of Texas prohibiting prostitution. Specifically, E.R. agreed to have sex with an undercover police officer in exchange for money.

15. In furtherance of the conspiracy, on or about January 14, 2017, Ellsworth texted a coconspirator to facilitate paying the rent for Sakura.

16. In furtherance of the conspiracy, on or about February 3, 2017, a member of the conspiracy caused to be posted on Backpage.com an advertisement for Sakura, which promised "100% amazing international line up," included phone number 214-905-9000, and noted that Sakura is open 24/7.

17. In furtherance of the conspiracy, on or about February 8, 2017, Ellsworth sent a text message related to the advertisement of Sakura on Backpage.com.

18. On or about February 14, 2017, Ellsworth texted with a member of the conspiracy regarding Sakura.

19. During the conspiracy, Ellsworth lived at Sakura to further the prostitution business enterprise.

20. Ellsworth agrees that she knew the unlawful purpose of her agreement with her coconspirators to use interstate facilities to engage in a prostitution business

enterprise in violation of Texas law in violation of the Travel Act and that she joined in the agreement willfully, that is, with the intent to further the unlawful purpose.

21. Ellsworth also agrees that she used the facilities in interstate and foreign commerce described herein with the specific intent to promote, manage, establish, or carry on a prostitution business enterprise in violation of Texas law and the federal Travel Act.

22. The defendant agrees that the defendant committed all the essential elements of the offense(s). This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count One of the superseding indictment.

AGREED TO AND STIPULATED on this 29 day of AUG, 2017.

JOHN R. PARKER
UNITED STATES ATTORNEY

CHONGOK ELLSWORTH
Defendant

JAMIE L. HOXIE
Assistant United States Attorney
New York Reg. No. 4671160
1100 Commerce Street, Third Floor
Dallas, Texas 75242
Tel: 214-659-8779
Fax: 214-659-8812
Email: jamie.hoxie@usdoj.gov

HEATH HYDE
Attorney for Defendant